

REMARKS

The Examiner has restricted the application based upon the contention that the application includes multiple inventions, namely Group I, claims 1 through 12; Group II, claims 13-15; and Group III, claims 16-18.

Applicant elects Group I, namely claims 1-12, with traverse. Applicant submits that the following criteria must be considered for a restriction between patentably distinct inventions:

(A) The inventions must be independent or distinct as claimed; and

(B) There must be a serious burden on the examiner if restriction is required. MPEP §803 (citations omitted).

While the Examiner has addressed the purported independence and distinctiveness of the different Groups identified, the Examiner has not considered the second element, namely, that there must be a serious burden on the examiner if restriction is required. In the present case, as the powdering station of claims 13-15 includes the powdering unit as claimed in claim 1, it would seem that there is substantial overlap with respect to the search. Similarly, with respect to claims 16-18, the method requires the powdering unit as claimed in claim 1, such that the searches again would seem to overlap. As such, Applicant submits that there is no serious burden which is required for restriction. In turn, a restriction is not proper under 35 U.S.C. §131.

With respect to the election, Applicant has added claims 19-21 which comprise the subject matter of claims 16-18 depending from claim 1 and not referencing a method. As such, should the Examiner believe that a restriction is proper, claims 19-21 should be included in Group I.

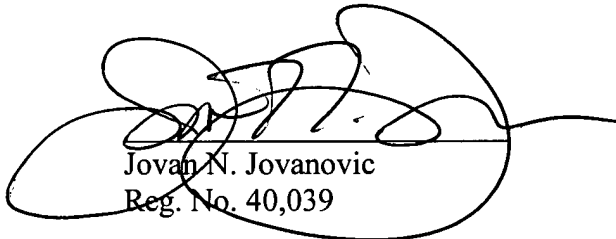
Additionally, Applicant reserves the right to pursue any one of claims 13-15, as well as claims 16-18, as originally presented, in further divisional applications. Furthermore, Applicant does not waive its rights to pursue additional claims by way of continuation applications.

As the Application now contains a total of 21 claims, Applicant authorizes payment for the one claim over twenty fee from Applicant's Attorney's deposit account No. 50-2131.

In light of the foregoing, Applicant submits that the invention is presently in condition for substantive examination. Reconsideration and substantive examination is respectfully solicited.

Respectfully Submitted,

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